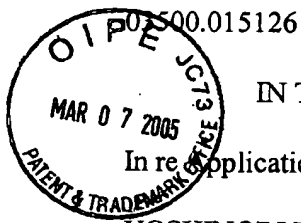


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Dep't 126
Rm 807



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

09/783,073 - 9 01:2:41

In re Application of:

YOSHINORI ITO

Application No.: 09/783,073

Filed: February 15, 2001

For: IMAGE PROCESSING
APPARATUS, IMAGE
PROCESSING METHOD, IMAGE
PROCESSING SYSTEM AND
STORAGE MEDIUM

Examiner: C.L. Hewet II

Group Art Unit: 3621

March 4, 2005

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

In connection with the above-identified application, Applicant requests a refund of \$430.00 for a fee for an Extension fee, which was erroneously charged to our Deposit Account 06-1205. It is requested that the refund be applied as a credit to that Deposit Account. The reason for the refund is explained below.


On November 5, 2004, Applicant filed a Response to Restriction Requirement in response to the Office Action dated August 5, 2004. A copy of the Response and Office Action, indicating a three month period in which to respond, as well as a copy of the return receipt post card is attached. No extension fees were due at that time.

The Patent Office's Monthly Statement of Deposit Account, dated December 2004 (copy attached), indicates that Deposit Account No. 06-1205 was charged a fee of \$430.00. Therefore, Applicant respectfully submits that a refund of \$430.00 is due.

Accordingly, Applicant hereby requests a refund and authorizes the Commissioner to credit Deposit Account No. 06-1205 in the amount of \$430.00 to resolve this matter.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our New York office at the below listed address.

Respectfully submitted,



Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 486403v1



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date 11/25/04
Mo. Day Yr.

Atty. Docket 0352-015126

Application No. 01/783,073

Sir: Kindly acknowledge receipt of the accompanying:

☒ Response to Official Action, dated 8/5/04

☐ Check for \$ _____ (claims fee)

☐ Petition under 37 CFR 1.136 and Check for \$ _____

☐ Notice of Appeal and Check for \$ _____

☐ Information Disclosure Statement, PTO-1449 and _____

☐ Claim for priority and certified copies of _____

☐ Issue fee transmittal and Check for \$ _____

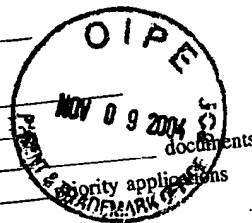
☐ Other (specify) _____

by placing your receiving date stamp hereon and mailing or returning to deliverer.

Atty. LPD/lrp

Due Date 11/05/04
Mo. Day Yr.

37 CFR 1.8 ☐
37 CFR 1.10 ☐
By Hand ☐



FD-36-8-00



03500.015126.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

YOSHINORI ITO

Application No.: 09/783,073

Filed: February 15, 2001

For: IMAGE PROCESSING APPARATUS,
IMAGE PROCESSING METHOD,
IMAGE PROCESSING SYSTEM
AND STORAGE MEDIUM

Examiner: Calvin L. Hewitt II

Group Art Unit: 3621

November 5, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

The Office Action dated August 5, 2004, imposed a restriction requirement in the above-identified application, requiring that the present application be restricted to one of the following inventions:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

November 5, 2004.
(Date of Deposit)

LEONARD P. DIANA (Reg. No. 29,296)
(Name of Attorney for Applicant)

Leonard P. Diana
Signature

November 5, 2004
Date of Signature

Group I: Claims 1-17 and 33-37 -- drawn to watermarking; and

Group II: Claims 18-32 -- drawn to electronic shopping.

In response, Applicant elects, without traverse, initially to prosecute Group I, Claims 1-17 and 33-37 in the present application.

An Information Disclosure Statement is in preparation and will be submitted shortly.

An early and favorable examination on the merits of the claims in the elected Group is respectfully requested.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Leonard P. Diana
Attorney for Applicant
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 462027v1



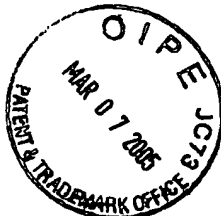
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,073	02/15/2001	Yoshinori Ito	35.C15126	3810

5514 7590 08/05/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112



EXAMINER

HEWITT II, CALVIN L

ART UNIT PAPER NUMBER

3621

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

03200.015126

LPO

11/15/04

01910444

Office Action Summary

Application No.

09/783,073

Examiner

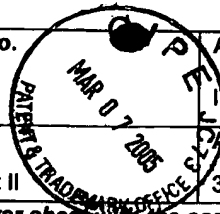
Calvin L Hewitt II

Applicant(s)

ITO, YOSHINORI

Art Unit

3621



NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-37 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.



United States Patent and Trademark Office



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Deposit Account Statement

Requested Statement Month: December 2004
 Deposit Account Number: 061205
 Name: FITZPATRICK CELLA HARPER & SCINTO
 Attention:
 Address: 30 ROCKEFELLER PLAZA
 City: NEW YORK
 State: NY
 Zip: 10112-3801

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL	
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12/29 7	76977272	NOT IN OUR SYSTEM	9204	-\$100.00	\$7,174.0
12/29 126	29213550	00946.006043-TO'SULLIVAN	8013	\$25.00	\$7,149.0
12/29 213	29214983	00945.006021-TO'SULLIVAN	8007	\$380.00	\$6,769.0
12/29 268	60367286	03149.000004.EP-TO'SULLIV	8007	\$20.00	\$6,749.0
12/29 318	11014678	03560.003467	8021	\$40.00	\$6,709.0
12/30 1	10996398	00366.000195.	1202	\$18.00	\$6,691.0
12/30 1	PAYMENT		9203	-\$7,778.00	\$14,469.

START
BALANCE
\$31,013.00

SUM OF
CHARGES
\$26,198.00

SUM OF
REPLENISH
\$9,654.00

END
BALANCE
\$14,469.00

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Bank, N.A.

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ROGERS TOWERS

ATTORNEYS AT LAW
1301 RIVERPLACE BOULEVARD
SUITE 1500
JACKSONVILLE, FL 32207

CHECK NO. 91599
CHECK DATE 03-02-2005

\$325.00

THREE HUNDRED TWENTY-FIVE AND 00/100 Dollars

Director of USPTO

David

⑈91599⑈ ⑆063000021⑆ 2189801542330⑈

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(203) 401-3332 Fax

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51-36/211

065126

ay Fifteen Thousand Dollars And 00 Cents

DATE
02/28/2005

AMOUNT
\$15,000.00

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Elizabeth A. Whayland

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Higgs, Fletcher & Mack LLP
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3,325.00

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Attn: Deposit Acct
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Crystal Park #1 Room 307
Arlington VA 22202

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⑈055953⑈ ⑆122238938⑆0030001508⑈

22202+3709 23



3621
41



03500.015126.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

YOSHINORI ITO

Application No.: 09/783,073

Filed: February 15, 2001

For: IMAGE PROCESSING APPARATUS,
IMAGE PROCESSING METHOD,
IMAGE PROCESSING SYSTEM
AND STORAGE MEDIUM

Examiner: Calvin L. Hewitt II

Group Art Unit: 3621

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November 5, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

The Office Action dated August 5, 2004, imposed a restriction requirement
in the above-identified application, requiring that the present application be restricted to
one of the following inventions:

I hereby certify that this correspondence is being deposited with the United
States Postal Service as first-class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

November 5, 2004.
(Date of Deposit)

LEONARD P. DIANA (Reg. No. 29,296)
(Name of Attorney for Applicant)

Leonard P. Diana
Signature

November 5, 2004
Date of Signature

Adjustment Date: 04/13/2005 SDIRETA1
12/07/2004 LELLIS 00000002 061205 09783073
01 FC:1252 430.00 CR

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